



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/264,387	03/08/1999	PETER J. FOSTER	5494:33	3009

24737 7590 06/17/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

CHOW, MING

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/264,387

Applicant(s)

FOSTER ET AL.

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 31-42 and 52-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-36, 38-41, 52, 54 and 55 is/are rejected.
- 7) ☒ Claim(s) 37, 42 and 53 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Reopening of Prosecution After Appeal***

1. In view of the appeal brief filed on 2-20-04, PROSECUTION IS HEREBY REOPENED.

New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Claim Objections***

2. Claim 1 recites "the speaker" (line 9). There is insufficient antecedent basis for this limitation in the claim.

3. Claim 41 recites "the on-site system". There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2645

4. Claim 52 recites "the user" (line 8) and "the processor" (line 9). There is insufficient antecedent basis for this limitation in the claim.

### ***Drawings***

5. The drawings are objected to because proper legends were missing. A proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Allowable Subject Matter***

6. Claims 37, 42, 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For claims 37 and 42, the prior art does not teach a processor identifies a caller ID number and controls the announcing means to announce the identified caller in response to receipt of a command trigger by the voice recognizer. Also, the processor includes

Art Unit: 2645

means to control the accessed telephone service through a telephone handset in response to receipt of a command trigger by the voice recognizer. For claim 53, the prior art does not teach the processing means includes means for controlling the announcement means and means for providing access to the platform.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2645

7. Claims 31, 34, 36, 40, 52, 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Rabin (US: 6081782).

For claims 31, 36, 52, regarding “an interface connecting the platform directly to the on-site telephone system”, Rabin teaches on item 101 Fig. 1 user interface (the claimed “on-site telephone system”). Rabin teaches on item 111 Fig. 1 processor (claimed “platform”). Rabin teaches on Fig. 1 a direct interface connects the user interface and the processor (see column 3 line 47-51).

Regarding “a processor controlling a plurality of operational feature services or control access of the on-site telephone system in response to a plurality of operational commands”, Rabin teaches on item 121 Fig. 1 and column 4 line 26-46 command control (claimed “processor”) carries out various commands (claimed “operational feature services”).

Regarding “a speech recognizer having a speech recognition input for receiving and recognizing voice input including the operational commands and identifying the speaker associated with the voice input, and having an access list allowing the identified speaker to input those operational commands for which the speaker is authorized”, Rabin teaches on item 311 Fig. 3 speech comparator (claimed “speech recognizer”). Rabin teaches on items 313, 315, column 5 line 22-41 “ASR” to identify operational commands and “speaker verification” to identify the speaker. Rabin teaches on column 5 line 26-30 models of voice commands (reads on claimed “access list”) that authorized user may use.

Regarding ‘communication circuit’ claimed in claim 36, Rabin teaches on Fig. 1 the “processor (claimed “platform”) interfaces with telephone network (claimed “external communication means”). It is inherent that the “processor” has a communication circuit for

Art Unit: 2645

interfacing with the telephone network because for dialing as taught by Rabin the communication circuit is required for communication to the network.

Regarding “voice recognizer generating a plurality of command triggers in response to the spoken commands” as claimed in claim 36, Rabin teaches on column 6 line 36-52 various commands input by the user are processed.

Regarding “announcing means” claimed in claim 36, Rabin teaches on item 203 Fig. 2 “announcement generator”.

Regarding claims 34, 40, Rabin teaches on item 102 Fig. 1 and column 3, line 51-59, column 6 line 36-52 the speaker enters commands via the telephone.

Regarding claim 55, Rabin teaches on column 6 line 36-52 different outbound telephone services – Call Office, Call Car, Call Mom ( all read on claimed “first command trigger” and “second command trigger”).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2645

8. Claims 32, 38, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabin as applied to claim 31 above, and in view of Rochkind (US: 6301608).

Rabin teaches on column 7 line 13-21 the voice commands are applied to the command control element for execution.

Rabin failed to teach “playback of messages”. However, Rochkind teaches on column 2 line 55-57 per addressee’s request the messaging service plays back the messages.

It would have been obvious to one skilled at the time the invention was made to modify Rabin to have “playback of messages” as taught by Rochkind such that the modified system of Rabin would be able to support the playing back messages to the system users.

9. Claims 33, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabin as applied to claim 31 above, and in view of Wang (US: 5596679).

Rabin failed to teach “the processor is a personal computer”. However, Wang teaches on column 1 line 24 and column 2 line 66-67 for voice-dialing, the computer executes commands that are recognized by a speech recognizer.

It would have been obvious to one skilled at the time the invention was made to modify Rabin to have the “the processor is a personal computer” as taught by Wang such that the modified system of Rabin would be able to support the computer based command control to the system users.



Art Unit: 2645

10. Claims 35, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabin as applied to claim 31 above, and in view of Engelbeck et al (US: 5452340).

Rabin failed to teach “the plurality of commands includes a command to enter a new directory entry into the on-site system”. However, Engelbeck et al teach on column 1 line 65-68. The “add a name and corresponding telephone number” reads on the claimed “enter a new directory entry”.

It would have been obvious to one skilled at the time the invention was made to modify Rabin to have the plurality of commands includes a command to enter a new directory entry into the on-site system as taught by Engelbeck et al such that the modified system of Rabin would be able to support the command to enter a new directory entry to the system users.

### *Conclusion*

11. The prior art made of record and not replied upon is considered pertinent to applicant’s disclosure.

- Borcharding (US: 5165095) teaches voice telephone dialing.
- Borg et al (US: 4578540) teach telecommunications systems.

12. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner

Art Unit: 2645

by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**Or faxed to Central FAX Number 703-872-9306.**

Patent Examiner

Art Unit 2645

Ming Chow



**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

